

*COMPARISON OF CLASS ACTION SETTLEMENT AGREEMENT AND NCAA CONCUSSION
GUIDELINES DATED JULY 7, 2014*

TOPIC	CLASS ACTION SETTLEMENT AGREEMENT	NCAA CONCUSSION GUIDELINES RELEASED JULY 7, 2014	DIFFERENCES
Baseline Testing	“Each student-athlete will undergo pre-season baseline testing prior to participating in practice or competition.”	“A one-time, pre-participation baseline concussion assessment for all varsity student-athletes should include, but not necessarily be limited to...” (medical description omitted)	The Settlement requires the baseline testing to occur prior to each season. The NCAA Guidelines contemplate it as a one-time event.
Same Day RTP	“Students with a diagnosed concussion will be prohibited from returning to play or participation in any practice or game on that same day.”	“A student-athlete diagnosed with sport-related concussion should not be allowed to return to play in the current game or practice and should be withheld from athletic activity for the remainder of the day.”	Same
Clearance by physician after concussion	“All students diagnosed with a concussion by medical personnel must be cleared by a physician before being permitted by the school to return to play.”	Allows clearance by a “physician or the physician’s designee.”	The Settlement purposefully does not allow a designee because, according to evidence uncovered in <i>Arrington</i> , physicians were not seeing the students who were then being cleared by coaches or untrained trainers.
Contact Sports games	“At all Contact Sports games, Divisions I, II and III must have medical personnel with training in the diagnosis, treatment and management of concussion <u>present</u> .” (emphasis supplied)	Silent.	Significant change under the Settlement Agreement.

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Contact Sports practices	“At all Contact Sports practices, medical personnel with training in the diagnosis, treatment and management of concussion must <u>be available</u> .” (emphasis supplied)	Silent.	Significant change under the Settlement Agreement.
Concussion Management Plans	“The NCAA Executive Committee will recommend that each Division enact legislation requiring schools to certify that they have a concussion management plan in place that meets the following requirements: (a) it requires pre-season baseline testing; (b) it prohibits student-athletes diagnosed with a concussion from returning to play until cleared by a physician; (c) students diagnosed with a concussion will be prohibited from returning to play or participation in any practice or game on that same day; (d) medical personnel with training in the diagnoses, treatment and management of concussions will be present at Division I, II, and III contact sports games; and (e) at all	Does recommend CMPs that address (a) concussion education; (b) one-time baseline testing; (c) prohibition of same day RTP; and (d) post-concussion management.	The NCAA Guidelines do not require legislation requiring CMPs. The NCAA Guidelines do not address the presence of medical personnel at contact sports games.

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	contact sports practices, medical personnel with training in the diagnosis, treatment and management of concussion will be available.”		
Reporting of Concussions	“The NCAA will put a reporting process in place for schools to report to the NCAA regarding instances of diagnosed concussions and their resolution.”	Silent.	Significant change under the Settlement Agreement.
Whistleblowers	“The NCAA will provide a reporting mechanism from concerned persons to the NCAA.”	Silent.	Significant change under the Settlement Agreement.
Education	“The NCAA will ensure that schools provide concussion education and training approved by the NCAA to students, coaches and athletic trainers before every season.”	“Institutions should provide applicable NCAA concussion fact sheets or other applicable educational material annually to student-athletes, coaches, team physicians, athletic trainers, and athletics directors. There should be a signed acknowledgement that all parties have read and understand these concussion facts and their institution’s concussion management plan.”	The NCAA Guidelines are passive and reflect the same practice that was subject to the lawsuit. There is no requirement that the NCAA ensure that the education is actually completed prior to each season. According, there is significant change under the Settlement Agreement.

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Academic Accommodations	“The NCAA will provide education for faculty regarding academic accommodations for students with concussions.”	The NCAA Guidelines are very comprehensive on appropriate academic accommodations.	